

REMARKS

Summary of Office Action

In the Final Office Action mailed on April 20, 2007, the Examiner rejected Claims 1, 2, 5, 6, and 9-14 under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 5,621,951 issued to Gould (hereinafter "Gould") in view of United States Patent No. 5,542,157 issued to Herman (hereinafter "Herman"). Additionally, the Examiner objected to Claims 15 and 16 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Summary of Amendment

Upon entry of the amendment, Claims 1 and 16 will have been amended. Additionally, Claim 15 will have been cancelled. As such, Claims 1, 2, 5, 6, 9-14, and 16 remain currently pending. By the present amendment, Applicant submits that the rejections have been overcome and respectfully requests reconsideration of the outstanding Final Office Action.

Applicant's Response

Section 103(a) Rejection of Claims 1, 2, 5, 6, and 9-14

In the Office Action the Examiner alleges that Gould teaches of an accessory device comprising an attaching unit. The attaching unit includes a base unit and a snap-on unit. The base unit has a bottom plate and includes a slot recessed from a periphery of the bottom plate. The bottom plate is slidable underneath a button. The Examiner further contends that the base unit has a lower latching unit protruding from the bottom plate. The snap-on unit has an upper latching structure on the interior of a periphery of the snap-on unit engaging with the lower latching unit of the bottom plate. The Examiner, however, admitted that Gould does not disclose that a display object is attached to the snap-on unit of the base unit. In order to include this missing limitation, the Examiner resorts to Herman.

The Examiner submitted that Herman teaches of an accessory device that comprises a snap-on unit having an upper latching structure on the interior of a periphery of the snap-on unit

and a display unit attached to the snap-on unit of the base unit. The accessory object allows having one or more interchangeable ornamentations being placed over a button.

The Examiner then concluded that it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a display object attached to the snap on unit of the base unit as taught by Herman in the accessory device disclosed by Gould. Doing so, allows the use of one or more interchangeable ornamentations being placed over a button.

Applicant's independent Claim 1 as currently amended recites, "An accessory device that can be removably attached to a button of a hat, comprising: an attaching unit including a base unit having a bottom plate including a slot recessed from a periphery of the bottom plate, the bottom plate slidable underneath the button, and a lower latching structure protruding from the bottom plate; and a snap-on unit having an upper latching structure on the interior surface of a periphery of the snap-on unit for engagement with the lower latching structure of the bottom plate and a display object attached to the snap-on unit of the base unit; *wherein the lower latching structure includes an opening aligned with the slot.*"

The lower latching structure advantageously utilizes an opening aligned with the slot. In this regard, such an opening enables the accessory device to be more stable when affixed upon the apex of the hat. The width of the slot is smaller than the diameter of the hat button, such that the bottom plate can be retained in place even if the hat is turned upside down. The ability to stabilize the accessory device becomes more pertinent depending upon the size, shape, or weight of the accessory. Additionally, when the snap-on unit is engaged with the base unit, the lid is aligned with the openings and results in the accessory device being unable to slide laterally from the hat.

In contrast, the main reference in the obviousness analysis, Gould, discloses a device for covering and concealing buttons that employs a first horizontal plate having at least one opening in a central circular region that is connected to the periphery of the plate by a slot in the shape of a trapezoid. (See Col. 2, Lines. 21-26). Gould makes no mention of a lower latching structure protruding from the bottom plate, wherein the lower latching structure includes an opening aligned with the slot. Thus, it can be seen that Gould teaches of a device for covering and concealing buttons and therefore does not require a latching mechanism to stabilize the accessory device upon the hat or inhibit the accessory device from sliding laterally from the button.

Herman is directed to an ornamental assembly for buttons and athletic shoes. (See Col. 2, Lines. 3-6). Additionally, Herman does not disclose a lower latching structure protruding from the bottom plate, wherein the lower latching structure includes an opening aligned with the slot. In contrast, Herman discloses a base unit in the form of a fabric covered button and a projection that is frictionally engaged with the button by snapping the projection over the button. (See Col. 2, Lines. 53 – 58).

Applicant's method of attaching an accessory device to the apex of a hat by utilizing a lower latching structure protruding from the bottom plate, wherein the lower latching structure includes an opening aligned with the slot, however, is completely novel and nonobvious in light of the state of the art at the time of Applicant's invention. In no way does Gould teach or suggest of a lower latching structure protruding from the bottom plate, wherein the lower latching structure includes an opening aligned with the slot. As such, one having ordinary skill in the art would not look for stabilizing an accessory device upon a hat in the device disclosed by Gould. Furthermore, Herman does not disclose or suggest the possibility that a lower latching structure protruding from the bottom plate, wherein the lower latching structure includes an opening aligned with the slot.

As such, upon reading both references, a person having ordinary skill in the art still would not have seen the benefit of utilizing a lower latching structure protruding from the bottom plate, wherein the lower latching structure includes an opening aligned with the slot. Accordingly, a person having ordinary skill in the art upon reading both references would not have foreseen a beneficial result from combining the two references, and therefore Applicant's invention as currently recited in independent Claim 1 is both novel and nonobvious in light of the cited references.

Furthermore, Applicant respectfully submits that the amendment to Applicant's Claim 1 present no new matter, as there is sufficient support for the amendment within the specification as originally filed, specifically in Paragraph 0042 on page 8 of the original application.

Accordingly, Applicant submits that no proper combination of Gould and Herman discloses or suggests at least the above-noted features of the present invention, and thus, the rejection of at least independent Claim 1 under 35 U.S.C. § 103(a) should be withdrawn.

Applicant further submits that the Claims 2, 5, 6, and 9-14 are allowable at least for the reason that these claims depend on allowable independent Claim 1 and because these claims recite additional features that further define the present invention.

Objection to Claims 15 and 16

The Examiner indicated that Claims 15 and 16 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claim. In this regard, Claim 15 has been cancelled. The subject matter of Claim 15 has been incorporated into independent Claim 1. Additionally, Claim 16 has been amended so that it is directly dependent on Claim 1. In this regard, Applicant submits that Claim 16 should be allowed because it depends from an allowable base claim. Therefore, Applicant respectfully requests that the Examiner indicate that Claim 16 is allowable.

Conclusion

Applicant respectfully submits that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. § 103, and respectfully requests that the Examiner indicate allowance of each and every pending claim of the present invention.

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious Applicant's invention as recited in each of Claims 1, 2, 5, 6, 9-14, and 16. The applied references of record have been discussed and distinguished, while significant claim features of the present invention have been pointed out.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Application No.: 10/645,368
Response to Office Action of April 20, 2007
Attorney Docket: **NAMKU-080A**

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: October 18, 2007

Customer No.: 007663

By:



Kit M. Stetina
Registration No. 36,224
STETINA BRUNDA GARRED & BRUCKER
75 Enterprise, Suite 250
Aliso Viejo, California 92656
Telephone: (949) 855-1246
Fax: (949) 855-6371